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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,100	01/24/2005	Hidehiko Inokuchi	5077-232/NP	1928
	7590 02/26/200 CKEY & PIERCE, P.I	EXAMINER		
P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			AL HASHIMI, SARAH	
			ART UNIT	PAPER NUMBER
			2853	
SHORTENED STATUTOR	Y PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE	
31 DAYS		02/26/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	10/522,100 Examiner	INOKUCHI ET AL.				
Office Action Summary	Evaminer					
	LAMINICI	Art Unit				
·	Sarah Al-Hashimi	2853				
,	IS SET TO EXPIRE 1 MONTH() ATE OF THIS COMMUNICATION (6(a). In no event, however, may a reply be time (iii) apply and will expire SIX (6) MONTHS from (cause the application to become ABANDONE) (date of this communication, even if timely filed (anuary 2005). (action is non-final.)	S) OR THIRTY (30) DAYS, N. nely filed the mailing date of this communication. D (35 U.S.C. § 133). , may reduce any				
, —	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
4) ☐ Claim(s) 1-42 is/are pending in the application. 4a) Of the above claim(s) is/are withdraw 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) 1-42 are subject to restriction and/or expressions.	vn from consideration.					
Application Papers						
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) accomposed and all accomposed are all accomposed and accomposed and are all accomposed and are all accomposed and are all accomposed and accomposed and are all accomposed and accomposed and are all accomposed and are all accomposed and are all accomposed and accomposed accom	epted or b) objected to by the lad on the lad on by the lad on the	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).				
12)⊠ Acknowledgment is made of a claim for foreign	ndority under 35 LLS C & 119(a))-(d) or (f)				
a) All b) Some * c) None of: 1. Certified copies of the priority document: 2. Certified copies of the priority document: 3. Copies of the certified copies of the priority document: application from the International Bureau * See the attached detailed Office action for a list	s have been received. s have been received in Applicati rity documents have been receive u (PCT Rule 17.2(a)).	on No ed in this National Stage				
Attachment(s)						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Di 5) Notice of Informal F 6) Other:	ate				

Application/Control Number: 10/522,100

Art Unit: 2853

DETAILED ACTION

Page 2

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-22, drawn to an ink-jet recording device with a power supply substrate and control arranged above the tray inside of the casing, classified in class 347, subclass 32.
 - Claims 23-42, drawn to an ink-jet recording device comprising an ink collector and purge unit, classified in class 347, subclass 36.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are directed to related inkjet printers. The related inventions are distinct if the (1) the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect; (2) the inventions do not overlap in scope, i.e., are mutually exclusive; and (3) the inventions as claimed are not obvious variants. See MPEP § 806.05(j). In the instant case, the inventions as claimed. Invention II is concerned with a waste collection system incorporated into the inkjet printer comprising the ink collector and purge unit.

 Invention I describes a power supply substrate and is concerned with the movement of the recording device; nowhere in invention II is this power supply disclosed.

 Furthermore, the inventions as claimed do not encompass overlapping subject matter and there is nothing of record to show them to be obvious variants.
- 3. Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required

because the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

- 4. This application contains claims directed to the following patentably distinct species: Invention II claims 25,27, 39.
- a) Claim 25: Discloses a 2nd ink collector.
- b) Claim 27: Discloses an ink flow path.
- c) Claim 39: Discloses a detecting means within the ink collector.

The species are independent or distinct because **species a**) includes two ink collectors. **Species b**) and c) do not include two ink collectors. **Species c**) discloses an ink detector not in **b or a**, and species b discloses an ink flow path between the platen and purge unit.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 23 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after

the election, applicant must indicate which are readable upon the elected species.

MPEP § 809.02(a).

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Art Unit: 2853

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah Al-Hashimi whose telephone number is 571 272 7159. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on 571 272 2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SA

LAMSON NOUYEN

RIMARY EXAMINER